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52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,935	05/15/2001	Hiroshi Tanaka	Q64476	7946

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EXAMINER

DELGADO, MICHAEL A

ART UNIT PAPER NUMBER

2144

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,935

Applicant(s)

TANAKA ET AL.

Examiner

Michael S. A. Delgado

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 22-55 and 61-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-17, 20, 21 and 56-58 is/are rejected.
- 7) ☒ Claim(s) 7-12, 18, 19, 59 and 60 is/are objected to.
- 8) ☒ Claim(s) 1-66 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/12/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 6, 13-17, 20-21 and 56-58 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,722,473 by Ramachandran et al hereafter refer to as Ramachandran.

In claim 1, Ramachandran teaches about an information intermediary apparatus “machine 116” for communicating through a communication network with an information management apparatus “data store 132” having user information “record of transaction” stored therein, the information intermediary apparatus comprising (Col 16, lines 10-60):

a first communication section for establishing communication through the communication network with the information management apparatus (Fig 25, communication section that support the link between 116 and 130);

a second communication section “reading device” for communicating with a portable communication apparatus “smart card” having identification information for identifying a user (Col 16, lines 30-40);

an identification information-obtaining section, connected with said second communication section, for obtaining said identification information from said portable communication apparatus through said second communication section (Col 16, lines 30-40) (Col 16, lines 55-60);

Art Unit: 2144

a user information input unit, connected with said first communication section, for inputting user information for the user of the portable communication apparatus (Col 16, lines 30-40); and

a data-identifying section, connected with said identification information-obtaining section and said user information input unit, for associating said identification information with the user information (Col 16, lines 30-40) (Col 16, lines 50-60).

In claim 2, Ramachandran teaches about an information intermediary apparatus as claimed in claim 1, wherein:

said user information input unit includes at least one of an operations unit for inputting a profile of the user (Col 20, line 65- Col 21, line 15);

a microphone for inputting voice data of the user (Col 20, line 65- Col 21, line 15); and

an image-capturing unit for inputting an image of the user (Col 21, lines 5-15) , and

said data-identifying section associates said profile with said identification information for the user (Col 21, lines 25-35).

In claim 3, Ramachandran teaches about an information intermediary apparatus as claimed in claim 2, wherein:

said first communication section sends at least one of said image, said voice data, and said profile to the information management apparatus as the user information, with a recognizable association with said identification information for the user (Col 20, line 65- Col 21, line 5).

In claim 4, Ramachandran teaches about an information intermediary apparatus as claimed in claim 2, further comprising:

Art Unit: 2144

an open contents-designating section for designating among said identification information, said image, said voice data, and said profile contents that are to be disclosed (Col 38, lines 1-10).

In claim 6, Ramachandran teaches about an information intermediary apparatus as claimed in claim 2, further comprising:

a voice data-identifying section for associating said voice data of the user with said identification information (Col 20, line 65- Col 21, line 5).

In claim 13, Ramachandran teaches about an information intermediary apparatus as claimed in claim 2, wherein:

said operations unit accepts a designation of user information of registered users to obtain from the information management apparatus, and further comprising (Col 8, lines 30-40):

a user information-obtaining section for obtaining said designated user information for a registered user from the information management apparatus (Col 16, lines 50-60); and

a printer for printing said profile and said image, included in said designated user information obtained by said user information-obtaining section (Col 1, lines 50-55).

In claim 14, Ramachandran teaches about an information intermediary apparatus as claimed in claim 13, further comprising:

a transmission section for notifying, through said information management apparatus, said portable communication apparatus of the registered user that said designated user information of the registered user has been printed, when said printer has printed said profile and said image (Col 1, lines 50-55).

In claim 15, Ramachandran teaches about an information intermediary apparatus as claimed in claim 14, wherein:

said operations unit accepts from a browsing user input of return information, which is to be sent to said portable communication apparatus of the registered user (Col 16, lines 50-60) ,
and

said transmission section sends to the information management apparatus information showing that said return information is to be sent from the browsing user to said portable communication apparatus of the registered user (Col 16, lines 50-60).

In claim 16, Ramachandran teaches about an information intermediary apparatus as claimed in claim 13, further comprising:

a paying capacity information-obtaining section for obtaining information relating to a paying capacity of a browsing user from the information management apparatus, using said identification information of said browsing user (Col 16, lines 50-60); and

a judgment section that judges whether or not to provide a service to the browsing user, based on said information relating to said paying capacity, wherein said printer prints said image when said judgment section judges to provide said service (Col 16, lines 50-60).

In claim 17, Ramachandran teaches about an information intermediary apparatus as claimed in claim 16, further comprising:

a rate-storing section for storing a rate of said service (Col 16, lines 50-60);

a charge amount-deciding section for deciding an amount to charge for said service based on a number of browsing users and said rate stored in said rate-storing section, wherein said first communication section sends to the information management apparatus said charge amount,

Art Unit: 2144

decided by said charge amount-deciding section with corresponding identification information, as charge information (Col 16, lines 50-60).

In claim 20, Ramachandran teaches about an information intermediary apparatus as claimed in claim 17, further comprising:

a user information output section for outputting said user information obtained by said user information-obtaining section when said judgment section judges to provides said service (Col 16, lines 30-60).

In claim 21, Ramachandran teaches about an information intermediary apparatus as claimed in claim

1, wherein:

a said identification information includes a phone number of said portable communication apparatus (Col 11, lines 35-45).

In claim 56, Ramachandran teaches about a method for intermediating information with an information management apparatus, which stores user information, through a communication network, the method comprising (Col 16, lines 10-60):

(a) establishing communication with the information management apparatus through the communication network (Fig 25, communication section that supports the link between 116 and 130);

(b) communicating with a portable communication apparatus, which stores identification information for identifying a user;

Art Unit: 2144

(c) obtaining said identification information from said portable communication apparatus by said communicating with the portable communication apparatus (Col 16, lines 30-40);

(d) inputting user information (Col 16, lines 30-40); and

(e) associating said identification information with the user information (Col 16, lines 30-40) (Col 16, lines 50-60).

In claim 57, Ramachandran teaches about a method for intermediating information as claimed in claim 56, further comprising:

obtaining information relating to a paying capacity of a browsing user from the information management apparatus, using said identification information (Col 16, lines 50-60); and

judging whether or not to provide the browsing user a service, based on said information relating to said paying capacity of the browsing user (Col 16, lines 50-60), and

printing user information only when said judging whether or not to provide the service judges to provide said service (Col 1, lines 45-55).

In claim 58, Ramachandran teaches about a method for intermediating information as claimed in claim 57, further comprising:

storing a rate of said service (Col 16, lines 50-60);

deciding an amount to charge for said service to each browsing user, based on a number of said browsing user and said rate of said service (Col 16, lines 50-60).

Art Unit: 2144

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,722,473 by Ramachandran et al as applied to claim 2 above, and further in view of US Patent No. 6,804,718 by Pang et al.

In claim 5, Ramachandran teaches all the limitation but does not explicitly teach about an information intermediary apparatus as claimed in claim2

wherein:

said second communication section sends said image of the user to said portable communication apparatus of the user, said image being used as wallpaper for said portable communication apparatus.

Pang teaches about personalizing a mobile computer by providing new wallpaper from a remote database 806 (Col 8, lines 25-40) (Col 12, lines 55-65). The feature that is claimed is for enhancement purpose and is not considered as a functional feature.

It would have been obvious at the time of the invention for some one of ordinary skill to download a personal image to replace current wallpaper in order to support a customizable background display.

Allowable Subject Matter

Art Unit: 2144

4. Claims 7-12, 18-19 and 59-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Prior art failed to teach about an intermediary apparatus in which the image of a group user is associated with the profile of a group. Prior art failed to teach the method of recalculating the usage charge of an intermediary apparatus base on the number of users that is being serviced.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,513,015 B2 by Ogasawara, teaches about a system and method for customer recognition using wireless identification and visual data transmission.

US 6,560,651 B2 by Katz et al, teaches about a digital information library and delivery system with logic for generating files targeting a playback device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A. CUCHLINSKI JR can be reached on (571) 272-3925

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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